

DEFENCE HOLDS ITS OWN, BUT CRUCIAL TEST YET TO COME

(Continued from Seventh Page.)

ing a path through the crowd with difficulty. Before him strode the sheriff and behind him a posse of men came the boy's father. Both were soon seated within the bar, otherwise filled with counsel and distinguished visitors. Douglas Beattie sat immediately behind his brother. The prisoner glanced hastily over one or two newspapers and then gave his attention closely to the proceedings of the day. "Is the Commonwealth ready to proceed, gentlemen?" inquired the court.

The State's attorneys nodded. "How says the defense?"

Mr. Carter arose and asked that the rule excluding all witnesses except the occupant of the chair be rigidly enforced with the exceptions agreed upon by both sides—Beattie, Sr., Douglas and Detective Scherer. The court acquiesced, and also stated that nobody would be excused hereafter without good cause.

Witnesses Summoned.

Witnesses were summoned before the bench five at a time. The sheriff shouted the names and citizens on the outside took up the call. Few answered at first. Then they came better. Standing before the judge, the witnesses were sworn and directed to leave the building keeping within hail by distance, but not within earshot of the chair. Greatest interest showed itself in the appearance of the uncle of the dead girl, Coroner Lovine, two physicians who have figured in the case, Richmond officers headed by Chief Werner, and one or two women. The rest attracted no particular attention. A number failed to show up at all, but will be on hand when they are really needed. Four negroes completed the list. Defense witnesses were summoned for Saturday, but as a precautionary measure the names were called and were followed with an announcement that who happened to be present should leave the room at once.

At last it was done and Thomas E. Owen sat in the witness chair. The trial was on.

Beattie looked steadily down for a moment and then gazed fixedly at the witness. From the other side twelve pair of eyes also bent upon the chair.

The Examination.

Judge Gregory opened the examination. Slowly, carefully, graphically, Mr. Owen, with an occasional gesture, recounted the events of the night of crime and horror, reciting Henry's story of the homicide with a man, describing his sensational arrival with the corpse of his wife, commenting on his general appearance and conduct at the moment, and indicating in some measure the household scene that followed. Beattie scarcely moved. With his arms on the railing in front of him, he leaned slightly forward staring at the speaker. His jawbone worked, steadily, stopped, worked again, something like a hunted look came over the face of the boy—or so it seemed. Faces at best are telling masks, and one might easily mistake. But to many around him the fact seemed clear. The boy's bravado was gone. Serious enough to-day he

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was, with sombre, brooding eyes. At one time Mr. Owen, referring to the wound in the girl's left cheek, declared he thought it to be about the size of a half-dollar.

Beattie's lips moved. "A half-dollar," they said in voiceless speech—a curious thing unconsciously done perhaps. Bloody exhibits were brought in, and while the clothes he wore on the night of the homicide were handed piece by piece to the witness for identification, Beattie's eyes followed each. Scherer drew from the big brown pasteboard box another parcel and ripped the strings. The stock of the old Shattuck gun came into view and the detective was soon fitting the barrel to it with its murderous end pointed straight upward. The prisoner glanced at it for a moment and then turned his attention to other things. A sharp sound brought his eyes back and gave the crowd a start. Scherer had snapped the lock.

The story went steadily on, counsel for the defense taking numerous notes and occasionally consulting their client. Mr. Owen virtually repeated his testimony at the coroner's inquest. He spoke with extreme care at times. Under the ruling of the court he could make no comment on the conduct of the accused on the night of the crime, but could merely detail his words and acts, leaving the jury to determine their significance. At one time he was asked what assistance Henry Beattie had given him in the midnight search for the slayer of his wife.

"None that I can remember, except his description of the shooting and the man he said did it," was the reply. "He asked me to telephone to his father, but said nothing about the police."

Learning quickly to his counsel, the prisoner spoke rapidly and with emphasis, sharply tapping the rail in front of him with the point of his pencil.

No Hearsay Evidence.

After an hour the cross-examination began, with Mr. Smith guiding the defense's attack. Trained in the law

himself by long familiarity with courts, Mr. Owen made an excellent witness from this point of view, and surely dealt fairly with both sides. Several times occasions arose when either Smith or Wendenburg would have given much for a few significant words. But the witness, aware of the rules of evidence, never once skirted the danger line. He needed no instructions from the court. He may evidence, however badly desired, was still unsaid when he left the stand. Incidentally Judge Watson again gave convincing proof of his ability to steer clear of shoals. The court was ever equal to the emergency. He grasped situations with refreshing insight and expressed them with equally refreshing candor. All was impartial here and able to an impressive degree. Hair-splitting and no harvest in Chesterfield.

The cross-examination was skillfully handled, and indicated plainly the determination of the defense to stick close to Henry Beattie's story and from this vantage ground fight to a finish. Particular emphasis was laid on certain points: that Beattie experienced his delay in arriving at the Owen household early in the night of the murder by referring to a "busted" tire; that he carried a prescription to a drug store, a bottle of medicine later coming back to show he had filled his mission; that his automobile was pointed toward the Middlethian pike when he stopped, and that he merely continued in that direction without having to turn around; that the pike is a popular automobile thoroughfare; that when Henry returned after his awful ride he announced with some show of certainty that the gun would be found in the car; that the witness on that night thought it reasonable to suppose that the absence of the rear doors of the machine might have counted for the failure to find the gun; that at the time the witness thought it possible the gun might have been bolted out, and even suggested to bystanders the desirability of instituting a search at certain rough places, one of them being the Belt Line tracks, where the weapon was subsequently discovered; that the witness saw nothing unusual in Henry's request for a glass of whiskey, but would in all probability have suggested one himself.

In the course of what followed much attention was given to the question of whether or not Henry Beattie did in fact take precautions to have no one with him in the automobile that night but his unfortunate wife. It was brought out that the only people in the Owen home at the time were the wife of the prisoner, who went with him; the wife of the witness, who was sick; the baby child of the younger Beatties; the mother of the murdered girl, who was upstairs caring for the baby; and the witness, who did not care to ride in automobiles, particularly when speeding.

"Too valuable a life to risk in an automobile," suggested Mr. Smith.

"Rather valuable to me," said Mr. Owen drily.

In view of these statements, Mr. Smith declared that after all there was nobody to join the couple, even had they extended an invitation.

There was no reason why the baby should not have been taken, he replied. "They had done so before," he said. As to Mrs. Owen, mother of the girl, the witness stated that she, too, might have gone. It was not necessary for her to remain at home with the baby, for the wife of the witness did not not to take care of the little one. There was evidence for some other reason why neither Mrs. Owen nor the witness was invited on that last ride, and Mr. Owen knows of it, but only by hearsay, as previously stated. The Commonwealth believes it should not be taken from the young husband showing that he desired to be alone with his wife that night. Counsel cleverly tried to bring this out, but it could not be done.

Attack on Indictment.

When the session was resumed, following a recess for dinner, three physicians took the stand in succession and went into medical technicalities concerning the nature of the wound. The court ruled out a question relating to the probable position of the gun when it was fired, and would also not permit, until proper basis had been laid for it, certain testimony concerning previous attentions by physicians to the prisoner. Three women had died in prospect of this evidence, but now came back, only to fly again a little later on. One of the doctors stated that he observed no powder marks on the face and no indication that the gunshot had scattered. This was designed to show that the gun was closer to the head than the prisoner stated. During his inspection of the body this same physician did not look for grit in the hair and did not find any there, but later discovered some in the blood streaks covering his hands. Here the Commonwealth indicated one line of testimony by which it hopes to prove that the girl was in the road and not in the motor car when shot.

In connection with the succeeding testimony of the physicians developed the attack on the indictment. The county coroner had described his examination of the wound, identifying two No. 6 shot he had removed from the cavity and also stating that he had discovered a gun wad in the same place. The condition of the skull was described in gruesome detail. The wound opened upon the surface somewhat under the left eye and extended back nearly to the occiput. Portions of brain matter had extruded. Death undoubtedly was due to this wound, all three physicians said.

Then Mr. Smith made his move deliberately. Calling for the indictment, he directed the attention of the court to the fact that the paper plainly sets forth, in precise terms often repeated, that Louise Beattie came to her death from a gunshot wound inflicted in the face. "Therefore he asked that all references in testimony to the depth of the wound be stricken out. No wound except a wound 'on the face' could be considered under the indictment, he thought. The court took the matter in advisement. Later Mr. Smith followed with a final stroke. He drew from one of the physicians an expert opinion that a wound 'on the face'—that is, one involving the superficial structures of the face—would not cause death. To get to the point, under the indictment as drawn

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according to the defense, Henry Beattie could not have killed his wife and should go free. The crowd gasped when it understood and then smiled at the adroitness of counsel. It will at all events give Mr. Carter an opportunity to note another exception.

Other Testimony.

Much was said as to the blood spots in the road and the impossibility that the blood could have come from the automobile. The defense strongly questioned the ability of detectives to pass on such a matter, requiring the knowledge of a skilled mechanic. This, however, amounts to little. The jury will have every opportunity to inspect the car and decide for itself.

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Then you save all waste. You open a can of Van Camp's when you want it, and it keeps till

you use it up. In the average home, the use of Van Camp's will cut milk bills right in two.

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SLOW PROGRESS MADE IN INQUIRY

Chairman Long, of Straightout, Campaign Committee, on Stand Several Hours.

[Special to The Times-Dispatch.] Norfolk, Va., August 24.—Slow progress was made to-day with the investigation of fusion and alleged primary frauds in Norfolk county by the subcommittee of the Democratic State Committee. A large portion of the time was consumed by the wrangling of lawyers over the admissibility of testimony.

Maurice G. Long, chairman of the Straightout campaign committee, was on the stand several hours, and had not completed his testimony when the session adjourned. His testimony was that about twenty persons, said to live in Norfolk, voted in the primary at Ocean View. The records in some instances showed that some of the challenged voters had paid their poll tax

Revelle Desperately Ill

The condition of Robert Revelle, of the Richmond baseball team, is pronounced as most grave, and at the Virginia Hospital, where he is being treated, small hope is entertained of his recovery.

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